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DEVELOPMENTS WITH REGARD TO EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Background paper prepared by the United Nations Secretariat

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I. INTRODUCTION

1. At its second session, held from 17 to 21 January 1994, the Preparatory Committee for the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons invited the Secretary-General of the United Nations to prepare for the Committee's third session, to be held from 12 to 16 September 1994, a short background paper on security assurances to non-nuclear-weapon States, dealing with both positive and negative security assurances and reflecting developments in the Conference on Disarmament and the United Nations, and proposals within the ambit of the non-proliferation Treaty and elsewhere. At its third session, the Committee requested the Secretariat to amend the paper in the light of comments made in the course of the session, to update it by taking into account current events and to submit it to the Conference. The present paper, which primarily covers developments since the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held in 1990, is submitted in response to that request.

2. Non-nuclear-weapon States have long harboured feelings of insecurity in a world where nuclear weapons continue to be possessed by some Powers. Therefore, since the beginning of the nuclear age, they have looked for means to protect themselves against the possible use or threat of use of nuclear weapons. A number of non-nuclear-weapon States have sought such security within alliances, involving one or several nuclear-weapon States. Other non-nuclear-weapon States have sought other international arrangements to ensure their security effectively. In that context, they called first for disarmament, notably nuclear disarmament, to be pursued with a sense of urgency and, as long as that had not been achieved, for international security assurances against the use or threat of use of nuclear weapons. This was a major issue in the negotiations on the non-proliferation Treaty in the 1960s.

3. With regard to disarmament, the negotiations led to the inclusion in the non-proliferation Treaty of a provision (article VI) by which each of the parties to the Treaty undertook "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control" (see NPT/CONF.1995/4).

4. With regard to security assurances, in the course of the non-proliferation Treaty negotiations the non-aligned, non-nuclear-weapon States called for the inclusion in the Treaty of a firm guarantee by the nuclear-weapon States not to use or threaten to use nuclear weapons against non-nuclear countries not having nuclear weapons on their territory, or even under any other circumstances. 1/

5. Ultimately a different approach prevailed. The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America took the position that the matter of security assurances should be pursued "in the context of action relating to the United Nations, outside the non-proliferation Treaty itself but in close conjunction with it". 2/ As a result, no specific provision on security assurances to

non-nuclear-weapon States was included in the Treaty. Instead, action was taken in the Security Council.

6. Thus, on 19 June 1968, the Security Council adopted resolution 255 (1968), which was sponsored by the Soviet Union, the United Kingdom and the United States, the depositaries of the non-proliferation Treaty (see annex I). 3/ By that resolution, the Council recognized that, in the case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State, the Council, and above all its nuclear-weapon State permanent members, "would have to act immediately in accordance with their obligations under the United Nations Charter". The Council also welcomed "the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used".

7. This assurance, defined as "positive", was in principle welcomed by non-nuclear-weapon States. However, many non-aligned, non-nuclear-weapon States pointed out that such an assurance fell short of their expectations, and expressed a preference for a "negative" assurance, that is, a commitment by the nuclear-weapon States not to use nuclear weapons against countries not possessing such weapons.

8. Since then, the nuclear-weapon States have made, and have in some instances updated, unilateral declarations establishing criteria for the granting of negative assurances to non-nuclear-weapon States. In one case the assurance was unconditional, while the others contained various specific qualifications (see annex II). For these reasons, many non-nuclear-weapon States continued to express strong preference for a multilateral, legally binding international accord, which would be equal in status to the obligations contained in the non-proliferation Treaty. Although the issue of security assurances has figured in various disarmament forums for more than two decades, no solution wholly satisfactory to both nuclear-weapon and non-nuclear-weapon States has yet been found. Consequently, the question remains on the disarmament agenda of the international community. It may also be noted that security assurances have been granted by the nuclear-weapon States in the context of the zones free of nuclear weapons established by the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) and the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) (see NPT/CONF.1995/10 and NPT/CONF.1995/11).

9. In 1979, the Geneva-based multilateral disarmament negotiating forum, then known as the Committee on Disarmament, established a subsidiary body to deal with the question of security assurances to non-nuclear-weapon States. Except in 1986, the subsidiary body has been re-established every year (see para. 15 below). Since the mid-1970s, the General Assembly has adopted resolutions on the subject affirming the urgent need for an agreement on effective international assurances to non-nuclear-weapon States. As of its forty-fifth session, the Assembly has been able to vote on a single text, rather than on competing texts as it had done before (see para. 14 below).

II. CONSIDERATION OF THE QUESTION OF SECURITY ASSURANCES BY THE FOURTH REVIEW CONFERENCE

10. The question of security assurances was a major subject in the general debate at the Fourth Review Conference, held in 1990. The subject was further discussed in a working group of Main Committee I of the Conference, where each of the five nuclear-weapon States undertook to reaffirm its earlier unilateral assurances. Given the fact that most of those undertakings contained specific qualifications, a number of non-aligned, non-nuclear-weapon States reiterated their view that that was not fully adequate, and continued to call for a multilateral legally binding commitment.

11. In this connection, Nigeria submitted a draft agreement, first introduced at the third session of the Preparatory Committee for the Review Conference, on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the non-proliferation Treaty. 4/ It was Nigeria's view that the appropriate venue to consider the proposed agreement should be the non-proliferation Treaty forum itself, since it was through accession to the Treaty that the nuclear option had been relinquished by the non-nuclear-weapon States. Nigeria believed that the adoption of its proposal would contribute immensely to the strengthening of the Treaty and the non-proliferation regime. In its opinion, it would also provide further incentive to the States not party to the Treaty to consider adhering to it, since it would be directly relevant to their security in the nuclear era. 5/ During the discussion, many delegations indicated their readiness to undertake further work on the substance of the proposed agreement.

12. The working group also had before it a working paper by Egypt, 6/ dealing primarily with positive security assurances. Like the Nigerian proposal, the one by Egypt had been first put forward at the third session of the Preparatory Committee for the Conference. Its aim was to enhance the effectiveness of Security Council resolution 255 (1968) by acceptance of "the mandatory action" to be adopted by the nuclear-weapon States and the Council to redress a situation where a non-nuclear-weapon State party to the non-proliferation Treaty was the object of a nuclear attack or a threat of attack; the provision of comprehensive assistance to the State attacked; and the imposition of sanctions against any State which used nuclear weapons against a non-nuclear-weapon State party to the non-proliferation Treaty not having nuclear weapons on its territory.

13. The Fourth Review Conference was unable to agree on a final declaration, and no concrete action was taken on either of the two proposals. Nevertheless, the report of Main Committee I provides a full account of the review of the question of security assurances at the Conference. 7/

14. In 1990, at its forty-fifth session, the United Nations General Assembly adopted a single resolution on security assurances, with three abstentions and no negative votes. 8/ In the resolution, the General Assembly, inter alia, appealed to all States, especially the nuclear-weapon States, to reach agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character. In

subsequent years, the Assembly has each year adopted a resolution which did not differ in substance from the one of 1990. 9/

III. MAIN DEVELOPMENTS SINCE THE FOURTH REVIEW CONFERENCE

15. The Conference on Disarmament, through its Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons (see para. 9 above), continued work on security assurances with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. No concrete progress has yet been made.

16. As recorded in the 1993 report of the Conference on Disarmament, 10/ many Member States continued to believe that, until the goal of nuclear disarmament was achieved, it was imperative for the international community to develop effective and unconditional measures to assure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter. Those delegations reaffirmed the need to find a "common formula", acceptable to all, to be included in a multilateral agreement of a legally binding character. They stressed that the existing assurances and unilateral declarations fell far short of the credible assurances sought by non-nuclear-weapon States and that, in order to be effective, the assurances should be unconditional, without qualification, not subject to divergent interpretation and unlimited in scope, application and duration.

17. Other non-nuclear-weapon States expressed their views on how to proceed further. Germany offered some ideas on how to overcome the impasse in the negotiations. It suggested that solutions should be found to a number of issues, such as the assumption that renouncing the nuclear-weapon option required compensation and, at the same time, needed to satisfy the requirement of an acceptable balance between the rights and obligations of non-nuclear-weapon and nuclear-weapon States. In its opinion, it was also justified to put on the scale other relevant obligations and efforts undertaken by some nuclear Powers which were beneficial to all non-nuclear-weapon States. 11/

18. The United States, the United Kingdom and France did not share the view that negative security assurances had to be unconditional in order to be effective, a position they had already taken in previous years, and emphasized that their unilateral pledges were firm commitments based on realistic considerations. Furthermore, in their opinion, post-cold-war developments, especially in the East-West context and in Europe, might offer some prospects for furthering the debate. One essential condition would, however, always remain in place, i.e., that negative security assurances should be given only to the States that had themselves renounced the nuclear option. 12/

19. The Russian Federation explained its current position on security assurances, stating that it would not use nuclear weapons against any non-nuclear-weapon State party to the non-proliferation Treaty except in the event of an attack on the Russian Federation, its territory, armed forces or allies conducted by such a State of the kind that was linked by an agreement of

association with a nuclear-weapon State, or acting together with, or with the support of, a nuclear-weapon State in carrying out such an attack. 13/

20. China repeated its commitment at no time and under no circumstances to be the first to use nuclear weapons, and unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. It advocated negotiations on, and conclusion of, an international agreement on the non-first-use of nuclear weapons, and on the non-use or threat of use of nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. 14/

21. France was of the view that one of the possible avenues towards a solution of the issue of negative security assurances was to explore the possibility of a harmonization of the existing unilateral declarations of the nuclear-weapon States providing for balanced commitments and taking into account the requirements of non-proliferation and of the protection of security interests. 15/

22. The 1993 report of the Conference on Disarmament also noted that a number of Member States had addressed the issue of the responsibility of the United Nations in maintaining international peace and security, which had led the Security Council to adopt resolution 255 (1968). In that connection, they supported the idea of a Council resolution providing stronger assurances of solidarity and assistance to non-nuclear weapon States in cases of nuclear aggression. 16/

23. Against this background, the Conference on Disarmament, recognizing the importance of the question of effective international assurances and the need to step up efforts to agree on a common approach, in the light of post-cold-war changes in the international political climate and other positive developments, decided, at the beginning of the 1994 session, to re-establish the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons. 17/

24. The Ad Hoc Committee submitted its report to the plenary session of the Conference, which adopted the report on 6 September 1994. Under the section on "Conclusions and Recommendations", the Committee stated the following:

> "The Ad Hoc Committee reaffirmed that, pending the effective elimination of nuclear weapons, non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons. There was general agreement that a discussion on negative security assurances could not be conducted in isolation from a general assessment of the security situation both at regional and global levels. At the same time, it was felt that this Committee should concentrate on the question of security assurances related to nuclear weapons and that an eventual solution of the issue of negative security assurances might also involve addressing the problem of positive assurances and build on the principles contained in United Nations Security Council resolution 255 of 1968". 18/

25. In connection with the report of the Ad Hoc Committee, on 6 September 1994, the delegations of Egypt, Ethiopia, Indonesia, the Islamic Republic of Iran, Kenya, Mexico, Mongolia, Myanmar, Peru, Sri Lanka and Venezuela submitted to the Conference on Disarmament a draft protocol on security assurances to be attached to the Treaty on the Non-Proliferation of Nuclear Weapons as an integral part thereof. In a statement to which the draft protocol was annexed the sponsors expressed confidence that the protocol drafted on the basis of "a simple common formula, i.e. the nuclear-weapon States pledge themselves never to use or threaten to use nuclear weapons against non-nuclear-weapon States", would be given early and serious consideration by the Conference on Disarmament. 19/

26. Several other developments of relevance to the subject-matter took place in 1994 outside the framework of the Conference on Disarmament. One of those was the tripartite statement by the Presidents of the Russian Federation, Ukraine and the United States of America, issued in Moscow on 14 January 1994, referring to security assurances to be given to Ukraine, once that country became a party to the non-proliferation Treaty and the START I Treaty entered into force. 20/

27. In a further development, on 16 November 1994, the Parliament of Ukraine adopted a law on the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons 21/ and on 5 December it formally acceded to the Treaty. In that connection, on the same day, the Russian Federation, Ukraine, the United Kingdom and the United States signed a Memorandum on Security Assurances which, inter alia, stated the following: "The Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America reaffirm, in the case of Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon State party to the Treaty on the Non-proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a State in association or alliance with a nuclear-weapon State." 22/ The Memorandum further stated that the Russian Federation, the United Kingdom and the United States reaffirmed their commitment to seek immediate Security Council action to provide assistance to Ukraine, as a non-nuclear-weapon State party to the non-proliferation Treaty, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons were used. 23/ On the same day, the three depositary Governments of the non-proliferation Treaty gave security assurances to other non-nuclear weapon States parties to the Lisbon Protocol of 23 May 1992, i.e., Belarus and Kazakhstan. France, providing assurances to Ukraine as a non-nuclear-weapon State party to the non-proliferation Treaty, reaffirmed its declaration made to non-nuclear-weapon States which are committed to nuclear non-proliferation, that it will not use nuclear weapons against them except in the case of an aggression carried out in association or in alliance with a nuclear-weapon State or with nuclear-weapon States against France or a State with which France has undertaken security commitments. The Government of China, on 4 December 1994, 24/ provided security assurances to Ukraine by issuing a statement which affirmed that under no circumstances would China use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones; this also applied to Ukraine. On 8 February 1995, the Chinese Government issued a similar statement to provide the same security assurance to Kazakhstan. 25/

28. In another development, delegations of the Government of the United States and the Democratic People's Republic of Korea held talks at Geneva from 23 September to 21 October 1994, to negotiate an overall resolution of the nuclear issue on the Korean peninsula. On 21 October, they signed an "Agreed Framework between the United States of America and the Democratic People's Republic of Korea." 26/ In the Agreed Framework, inter alia, both sides committed themselves to work together to strengthen the international nuclear non-proliferation regime; the Democratic People's Republic of Korea would remain a party to the non-proliferation Treaty and would allow implementation of its safeguards agreement under the Treaty; and the United States would provide formal assurances to the Democratic People's Republic of Korea against the threat or use of nuclear weapons by the United States.

29. Earlier that year, at the Eleventh Ministerial Meeting of the Movement of Non-Aligned Countries, held at Cairo from 31 May to 3 June 1994, the Ministers, in their Final Document, called upon the Conference on Disarmament to reach an urgent agreement on an international legally binding convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. They also supported the adoption of a Security Council resolution providing effective, unconditional and comprehensive security assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons. 27/

30. Subsequently, on the initiative of non-aligned countries, on 15 December 1994, the United Nations General Assembly adopted resolution 49/73 by 168 votes to none, with 3 abstentions, 28/ by which the Assembly, inter alia, reaffirmed the need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, appealed to all States, especially non-nuclear-weapon States, to work actively towards that end, and recommended that the Conference on Disarmament continue intensive negotiations on the subject.

Notes

1/ On 17 November 1966, the General Assembly of the United Nations, in its resolution 2153 A (XXI), adopted by 97 votes to 2, with 3 abstentions (not a roll-call vote), inter alia, requested the Conference of the Eighteen-Nation Committee on Disarmament "to consider urgently the proposal that the nuclear-weapon Powers should give an assurance that they will not use, or threaten to use, nuclear weapons against non-nuclear-weapon States without nuclear weapons on their territories, and any other proposals that have been or may be made for the solution of this problem".

2/ See ENDC/PV.375 of 11 March 1968. The negotiations on security assurances were complicated by the fact that only three declared nuclear-weapon States (the Soviet Union, the United Kingdom and the United States), out of five, were engaged in the non-proliferation Treaty negotiations.

3/ The resolution was adopted by 10 votes to none, with 5 abstentions (Algeria, Brazil, France, India and Pakistan).

4/ NPT/CONF.IV/17, appendix.

5/ NPT/CONF.IV/17, paras. 14 and 16.

6/ NPT/CONF.IV/31.

7/ NPT/CONF.IV/MC.I/1, sect. III.

8/ Resolution 45/54 was adopted by a recorded vote of 145 to none, with 3 abstentions (France, the United Kingdom and the United States).

9/ Resolutions 46/32, 47/50 and 48/73, respectively. The vote on resolution 48/73 was 166 to none, with 4 abstentions, including France, the United Kingdom and the United States.

10/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 27 (A/48/27), para. 39/9-10.

11/ Ibid., para. 39/23.

12/ Ibid., para. 39/21; The United Nations Disarmament Yearbook, vol. 17: 1992, chap. II, p. 57.

13/ This statement by the Russian Federation was made on 17 August 1993 at a plenary meeting of the Conference on Disarmament (see CD/PV.661).

14/ A/S-12/11 and Official Records of the General Assembly, Forty-eighth Session, Supplement No. 27 (A/48/27), para. 39/25.

15/ Ibid., para. 39/20.

16/ Ibid., para. 39/19.

17/ Ibid., para. 39.

18/ Ibid., Forty-ninth Session, Supplement No. 27 (A/49/27), para. 33/30.

19/ CD/1277.

20/ A/49/66-S/1994/91.

21/ A/49/676-S/1994/1307.

22/ A/49/765-S/1994/1399, para. 5.

23/ Ibid., para. 4.

24/ A/49/783, annex.

25/ A/50/86.

26/ See Disarmament, a periodic review by the United Nations, vol. XVII, No. 2, 1994, pp. 138-140.

27/ A/49/287-S/1994/894, chap. V, para. 54; see also CD/1261.

28/ France, the United Kingdom and the United States abstained.

ANNEX I

Security Council resolution 255 (1968)

The Security Council,

Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly or indirectly, not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,

Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,

Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all the nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. Welcomes the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;

3. Reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

ANNEX II

Unilateral security assurances by nuclear-weapon States

CHINA

In the annex to a letter dated 7 June 1978 from the Permanent Representative of China to the United Nations addressed to the Secretary-General, China stated:

> "For the present, all the nuclear countries, particularly the super-Powers, which possess nuclear weapons in large quantities, should immediately undertake not to resort to the threat or use of nuclear weapons against the non-nuclear countries and nuclear-free zones. China is not only ready to undertake this commitment but wishes to reiterate that at no time and in no circumstances will it be the first to use nuclear weapons." a/

In a communication of 28 April 1982 to the Secretary-General, the Chinese Government declared:

> "Pending the realization of complete prohibition and thorough destruction of nuclear weapons, all nuclear countries must undertake unconditionally not to use or threaten to use such weapons against non-nuclear countries and nuclear-free zones.
>
> "As is known to all, the Chinese Government has long declared on its own initiative and unilaterally that at no time and under no circumstances will China be the first to use nuclear weapons, and that it undertakes unconditionally not to use or threaten to use nuclear weapons against non-nuclear countries and nuclear-free zones." b/

FRANCE

On 30 June 1978, the representative of France stated:

> "Furthermore, as regards paragraph 59 [of the Final Document of the Tenth Special Session] concerning assurances of the non-use of nuclear weapons against non-nuclear States, the delegation of France would recall that France is prepared to give such assurances, in accordance with arrangements to be negotiated, to States which constitute non-nuclear zones." c/

On 11 June 1982, the Minister for Foreign Affairs of France declared:

> "For its part, it [France] states that it will not use nuclear arms against a State that does not have them and that has pledged not to seek them, except if an act of aggression is carried out in association or alliance with a nuclear-weapon State against France or against a State with which France has a security commitment." d/

RUSSIAN FEDERATION

On 17 August 1993, the Russian Federation made the following statement in the plenary meeting of the Conference on Disarmament:

> "The Russian Federation will not use nuclear weapons against any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the event of an attack on the Russian Federation, its territory, armed forces or allies conducted by a State of this kind that is linked by an agreement of association with a nuclear-weapon State or that acts together with, or with the support of a nuclear-weapon State in carrying out such an attack." e/

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

On 28 June 1978, the representative of the United Kingdom declared:

> "I accordingly give the following assurance, on behalf of my Government, to non-nuclear-weapon States that are parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to other internationally binding commitments not to manufacture or acquire nuclear explosive devices: Britain undertakes not to use nuclear weapons against such States except in the case of an attack on the United Kingdom, its dependent territories, its armed forces or its allies by such a State in association or alliance with a nuclear-weapon State." f/

UNITED STATES OF AMERICA

In the annex to a letter dated 17 November 1978 from the representative of the United States to the Secretary of the First Committee, the United States cited a Presidential Declaration which read as follows:

> "The United States will not use nuclear weapons against any non-nuclear-weapon State party to the non-proliferation Treaty or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its allies, by such a State allied to a nuclear-weapon State or associated with a nuclear-weapon State in carrying out or sustaining the attack." g/

Notes

a/ A/S-10/AC.1/17, annex, para. 7.

b/ A/S-12/11.

c/ Official Records of the General Assembly, Tenth Special Session, Plenary meetings, 27th meeting, para. 190.

d/ Ibid., Twelfth Special Session, Plenary meetings, 9th meeting, para. 175.

e/ See CD/PV.661.

f/ Official Records of the General Assembly, Tenth Special Session, Plenary meetings, 26th meeting, para. 12.

g/ See A/C.1/33/7, annex; the Presidential Declaration was also cited by the representative of the United States on 23 June 1978 in the Ad Hoc Committee of the Tenth Special Session of the General Assembly (13th meeting), in 1982 at the time of the second special session of the General Assembly devoted to disarmament in February 1990 at the meeting of the International Atomic Energy Agency Board of Governors and on 13 March 1990 in the Conference on Disarmament.